

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

JULIA TRINIDAD NIEVES,

Plaintiff,

v.

RANGER AMERICAN OF PUERTO RICO,
INC.,

Defendant.

Civil No. 05-2343 (JAF)

O R D E R

Plaintiff, Julia Trinidad Nieves, filed the present complaint against Defendant, Ranger American of Puerto Rico, Inc., alleging violations of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5 et seq. (2005), the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621-634 (1994 & Supp. 2005), and various state laws. Docket Document No. 1. On February 23, 2006, Defendant filed a motion to dismiss Plaintiff's ADEA claims, asserting that Plaintiff had failed to exhaust her administrative remedies. Docket Document No. 6. On March 10, 2006, Defendant filed a motion requesting the court to deem its motion to dismiss as unopposed, as Plaintiff had failed to file a written objection within ten days, pursuant to Local Rule 7.1(b), D.P.R. LOCAL R. 7.1(b). Docket Document No. 9.

On March 13, 2006, Plaintiff filed an informative motion agreeing to the dismissal of her ADEA claim, but requested the court

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1 to retain supplemental jurisdiction over her age discrimination
2 claims, insofar as they allege violations of Commonwealth Law 100
3 ("Law 100"), 29 L.P.R.A. § 146 et. seq. Docket Document No. 10. In
4 light of Plaintiff's Informative Motion, our sole consideration is
5 whether, given the dismissal of Plaintiff's ADEA claim, this court
6 should continue to entertain Plaintiff's pendent Law 100 age
7 discrimination claim.

8 Pendent or supplemental jurisdiction exists whenever there is a
9 claim arising under the Constitution, the laws of the United States,
10 and treaties made under their authority and the relationship between
11 that claim and the state claim can be found to constitute but one
12 constitutional case. The state claims must be linked to the federal
13 claim by a "common nucleus of operative facts", and must be
14 sufficiently substantial to confer federal court jurisdiction.
15 United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Rodriguez v. Doral
16 Mortgage, 57 F.3d 1168, 1175 (1st Cir. 1995).

17 We believe that it is currently premature to hold that
18 Plaintiff's Law 100 claims are not substantially related to her
19 surviving Title VII claims and, therefore, choose, for the time
20 being, to retain supplemental jurisdiction over Plaintiff's state law
21 age discrimination claims.

22 In accordance with the foregoing, we **GRANT IN PART** Defendant's
23 motion to dismiss, Docket Document No. 6, thereby disposing of

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1 Plaintiff's ADEA claims. However, we choose to retain supplemental
2 jurisdiction over her Law 100 age discrimination claims.

3 **IT IS SO ORDERED.**

4 San Juan, Puerto Rico, this 16th day of March, 2006.

5 S/José Antonio Fusté
6 JOSE ANTONIO FUSTE
7 Chief U. S. District Judge